

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER, IS BEING DEPOSITED WITH THE  
U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN  
ENVELOPE ADDRESSED TO MAIL STOP PETITIONS, PO BOX 1450,  
ALEXANDRIA, VA 22313-1450, ON

2/23/04 (DATE OF DEPOSIT)

2/23/04 NAME *Jif Jause*



DOC NO. 11713

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Juan Bautista

Serial No: 09/844,593

Filed: April, 27, 2001

For: Wire Measuring System

RECEIVED

MAR 03 2004

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO  
RECEIVE NOTICE TO FILE CORRECTED APPLICATION PAPERS

Hon. Commissioner of  
Patents and Trademarks

Sir:

The above stated application has been abandoned for failure to timely file the required corrected application papers within the two month statutory period from the mailing date of the Notice To File Corrected Application Papers. Applicant respectfully petitions that the holding of abandonment for the above stated application be withdrawn, because said application was only abandoned because the Notice to File Corrected Application Papers was never received by the applicant's attorney.

Once the Notice of Abandonment was received the applicant's attorney promptly called the Patent Office to have a copy of the

Notice to File Corrected Application Papers faxed to him, and applicants attorney has enclosed said Notice to File Corrected Application Papers along with required corrected applications papers. Applicants attorney has also enclosed a copy of the docket dated August 20, 2001, the deadline for response to said Notice.

The applicant respectfully requests that this petition is acted upon in a timely manner. Applicant is eager for the issuance of his patent.

In view of the above, reconsideration of the Notice of Abandonment is respectfully solicited.

Respectfully submitted,



Richard W. Goldstein  
Reg. No. 36,527  
Attorney For Applicant(s)  
2071 Clove Road  
Staten Island, New York 10304  
(718) 727-9780



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DECLARATION IN SUPPORT OF PETITION TO REMOVE THE HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE TO FILE CORRECTED  
APPLICATION PAPERS

1. I am the attorney of record for the applicant, inventor of serial number 09/844593. Consistent with the "power of attorney" filed with the application, correspondence was to be mailed to me at 2071 Clove Road, Staten Island, NY 10304.
2. I received a filing receipt for this application approximately June 2001. The filing receipt was sent to the correct address.
3. I received a notice of Abandonment in this case, which was mailed on February 6, 2004. The case was abandoned because of applicant's failure to timely file corrected application papers within the two month statutory period from the mailing date of the Notice To File Corrected Application Papers.
4. I personally see every Notice to File Corrected Application Papers when it is received from the Patent Office. The Notice is then docketed as a reminder on the computer system, then the Notice is placed in the file folder and noted on the file folder, and the file folder is taken out of our "pending" file section for prompt action.
5. A search of the file folder did not reveal any record of a Notice to File Corrected Application Papers being received. The file was still with the "pending" files. No reminder was ever entered into the computer. A thorough search of other files did not uncover the alleged Notice. Further, I never received the above stated Notice, nor did I have any knowledge that a Notice to File Corrected Application Papers was mailed prior to the application becoming abandoned.
6. I am satisfied from my own investigation that the Notice to File Corrected Application Papers was never received at my office. Had I known of the Notice to File Corrected Application Papers, I would have promptly responded thereto.

Respectfully,

Richard W. Goldstein  
Reg No. 36,527  
Attorney for Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/844,593	04/27/2001	Juan Bautista	11713

Richard W. Goldstein  
 2071 Clove Road  
 Staten Island, NY 10304



CONFIRMATION NO. 1706  
 ABANDONMENT/TERMINATION  
 LETTER



\*OC000000011849314\*

Date Mailed: 02/06/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/20/2001.

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- No reply was received.

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A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/844,593	04/27/2001	Juan Bautista	11713

Richard W. Goldstein  
2071 Clove Road  
Staten Island, NY 10304



CONFIRMATION NO. 1706

## FORMALITIES LETTER



\*OC00000006206780\*

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Date Mailed: 06/20/2001

MAR 03 2004

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY